

**MINUTES**  
**STATE ELECTION BOARD MEETING**  
**Sloppy Floyd Building**  
**Room 512, West Tower**  
**Atlanta, GA 30334**  
**Thursday, January 31, 2013 – 10:00 a.m.**

Due notice having been given for the State Election Board Meeting pursuant to O.C.G.A. § 50-14-1 et seq.

**MEMBERS IN ATTENDANCE**

Brain P. Kemp, Chairman  
Tex McIver  
Rusty Simpson  
Kent Webb  
David Worley

**I. CALL TO ORDER**

Chairman Kemp called the State Election Board (SEB) Meeting to order at approximately 10:00 a.m. A quorum was established with all board members in attendance. Tex McIver led everyone in the Pledge of Allegiance and Invocation.

Chairman Kemp called for the next order of business: Public Comments

**II. PUBLIC COMMENT**

There was one public speaker.

Cecelia Houston Torrence, representing the League of Women Voters of Atlanta Fulton County, expressed concern about the lack of provisional ballots available at the Adamsville recreation center polling location.

Chairman Kemp called for the next order of business: Inspector General's Report.

**III. INSPECTOR GENERAL REPORT (C. Harvey)**

**A. SEB Case No. 2012-000156 Fulton County (November General Election)**

Mr. Harvey read a number of complaints that were received regarding the November 6 2012 general election.

1. Mr. Damian Whittaker of Precinct 02A reported a lack of provisional ballots.
2. Ms. Janeesa Oyanga complained of a lack of provisional ballots at her polling location. She returned a number of times, and they only became available after the polling location had closed.
3. Ms. Shakeela West reported a lack of provisional ballots at Centennial Place Elementary.
4. Mr. Patrick Blackmon was turned away from his polling location because he did not show up in the computer system as a registered voter. Mr. Blackmon stated that he was registered, and was upset about the discrepancy.

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David Walbert, of the Board of Registration and Elections of Fulton County, asked for and was granted time for an opening statement from Chairman Kemp. Mr. Walbert stated that Fulton County was overwhelmed with the number of voter registrations coming in close to the actual date of the election, there were a large number of provisional ballots because of Fulton County's liberal policy towards them, and that every polling location was provided with provisional ballots to begin the day.

Mr. Harvey interviewed the witnesses on a number of issues, which included: provisional ballot use, Election Day preparedness, the voter registration process, the transfer of voter applications from the Secretary of State's office to Fulton County, residency issues affecting voter status, and long lines at the polls.

Chairman Kemp moved for a recess for lunch at approximately 11:45. The meeting was resumed at approximately 12:45.

Mr. Harvey resumed with a focus on provisional ballots and the issues that arose surrounding their use on Election Day. The witnesses explained the process of using a provisional ballot and answered questions regarding voter registration accompanying a provisional ballot, voter tracking of ballot status, and internal coding for provisional ballots.

Mr. Harvey then asked about the training of poll workers, with a focus on how a voter would be referred to a provisional ballot and how the entire provisional ballot system is handled by county officials.

Mr. Harvey then shifted from the witnesses to the subpoenaed poll workers. The poll workers interviewed were Mary Darden, Latanya Crawford, Jeannie Jones, Joan Robinson, Geranda Burt, Rosalyn Murphy, Annie Thompson, Rosa Brown, and Marilyn Sewell. They all served in management positions overseeing the completion or submission of provisional ballots. They were asked about a number of instances where the provisional ballot recap sheets were filled out incorrectly. The issues included: vote totals not corresponding with ballot stub numbers, missing ballot stub numbers, missing names, extra names, and entries that appeared to be added after the submission of the provisional ballots.

There was a break in session from approximately 2:45pm to 3:00pm.

Mr. Harvey asked Ms. Mitchell to explain the difference between the number of provisional ballots on the recap sheets and the reported number of provisional ballots. Ms. Mitchell stated that their numbers reflected the amount of physical ballots received.

Mr. Harvey then asked about absentee ballots, and Mr. Jones gave a description of how they are processed. Special attention was given to the process of receiving fax requests, and a complaint was reviewed of a fax request for an absentee ballot that took an abnormal amount of time to receive a response.

### **B. SEB Case No. 2012-000056 Fulton County (July Primary Election)**

Mr. Harvey proceeded to issues surrounding the July 31, 2012 primary election. These included: voters not being placed in the right district following a census driven redistricting, result reporting issues caused by a dual database system being implemented, absentee ballots being opened early, voters being denied non-partisan ballots at specific polling locations, and polls closing without allowing voters that had arrived on time to vote.

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### **C. SEB Case No. 2011-000110 Fulton County (Non-Existent Residences)**

Mr. Harvey highlighted past instances where there was confusion as to whether there were voters registered in residences that no longer existed, particularly public housing. The issue had been investigated in the past, but the results were unclear.

### **IV. RESPONSE FROM FULTON COUNTY (D. Walbert)**

Mr. Walbert then gave his responses to Mr. Harvey's presentation in reverse order.

In regards to the 2011, 110 demolished houses case, Mr. Walbert provided clarity into the situation. The previous elections director, Mr. Westmoreland, had attempted a purge of bad registrations. However, it was initiated at a time that was too close to an election, and the action was canceled. Mr. Walbert stated that a number of the bad registrations would have been corrected through the election and that another purge was set to take place in February.

Addressing the July 31, 2012 primary election, Mr. Walbert agreed that a mistake was made, but stressed that the issue had been looked in to, and that the margin of error created by the mistake was not significant enough to affect the outcome of the election. In summation, Mr. Walbert highlighted that no one was denied the right to vote, a lot of the problems were caused by a large supplemental list, and Fulton County is one of the only counties that strictly follows the law regarding Provisional Ballots.

Tex McIver made a motion to accept documents submitted by Mr. Walbert, Kent Webb seconded; motion passed unanimously 5-0.

### **V. CLOSING STATEMENTS**

Mr. Worley raised concerns that the mishandling of the election could be disenfranchising younger people, older people, less well-educated folks, more transient populations.

Mr. McIver asked about out of prescient voting, which Mr. Walbert attributed to a recent and growing trend that voters believe they can cast their ballots anywhere. Mr. McIver asked why precincts didn't have more provisional ballots if this is known. Mr. Walbert said there were 20,000 in Fulton County. Mr. McIver suggested better training in regards to provisional ballots.

Mr. Webb stated there is a possibility voters were denied the right to vote because of the gaps in time when provisional ballots were available. He suggested that provisional ballots should be used as more of a last resort instead of a first instinct by poll workers for voter in the wrong polling location.

Chairman Kemp concluded by stating the intention to continue to collect information because some of the problems in Fulton County could jeopardize the integrity of the election. Voters may have been denied the opportunity to vote, some may have cast ballots when they did not register in time, and documents were altered after their signature. These issues did not have a significant impact on this election, but it could affect future elections with smaller margins of error.

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**VI. ADJOURNMENT**

Chairman Kemp made a motion to adjourn the meeting, Kent Webb seconded; the motion passed 5 – 0. Being no further business, the meeting was adjourned at approximately 4:00 p.m.

**STATE ELECTION BOARD**

**APPROVED BY:** \_\_\_\_\_

**DATE:** \_\_\_\_\_